

Raymond Robinson
4562 Illinois Street
San Diego, CA 92116
(619) 283-3121
xray.1@cox.net

in propria persona

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND ROBINSON,

Plaintiff,

vs.

DAVID RUBIN and BRIAN CORNELL,

Defendants.

Case No.

'08 CV 0244 W BLM

COMPLAINT FOR DAMAGES

Jury trial requested.

PRELIMINARY STATEMENT

- 1.) Plaintiff Raymond Robinson is a United States citizen disappointed by the apparent abuse of rights of unrepresented defendants in California infraction hearings.

JURISDICTION AND VENUE

- 2.) This case arises under the Constitution and laws of the United States and presents a federal civil rights question within this court's jurisdiction under 28 U.S.C. section 1331.
- 3.) The court has authority to grant nominal, actual and exemplary damages under 42 U.S.C. section 1983.
- 4.) This venue is proper under 28 U.S.C. 1391 (b), in that both defendants reside in this district.

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PARTIES

5.) Plaintiff Raymond Robinson resides in San Diego, California.

6.) Defendant David Rubin is an individual United States citizen residing in San Diego, California.

7.) Defendant Brian Cornell is an individual United States citizen residing in San Diego, California.

STATEMENT OF FACTS

8.) Upon information and belief, Plaintiff alleges that defendants, under color of state law, deprived Plaintiff of his right to due process during a California infraction trial where Plaintiff herein was the defendant therein.

9.) During said trial, February 9, 2007, defendant Rubin herein was Judge Rubin therein, and defendant Cornell herein was the sole witness for the People therein.

10.) During said trial, upon conclusion of testimony, defendants herein conspired such that Mr. Cornell, a non-lawyer, would become the Prosecutor therein and thereby furnish the legal argument on behalf of the People and against Plaintiff herein.

11.) During said trial, Mr. Cornell did in fact perform said prosecutorial duties when prompted by Judge Rubin.

12.) During said trial, at the conclusion of Mr. Cornell's three legal arguments against Plaintiff herein, Judge Rubin acknowledged upon the record that said arguments had influenced the trial court's decision, and a conviction was thereupon entered against Plaintiff herein.

13.) Plaintiff alleges that defendant Cornell, upon representing the People of the State of California during said trial, became in violation of California Business and Professions Code section 6126 (a) for practicing law without a license, a misdemeanor.

14.) Plaintiff alleges that defendants Cornell and Rubin herein, acted in concert to have defendant Cornell commit the crime aforesaid, constituting a criminal conspiracy under California Penal Code section 182 (a)(1), as well as a criminal conspiracy to pervert or obstruct justice, or the due administration of the laws, under (a)(5) of said section.

15.) Plaintiff alleges that defendant Rubin's criminal participation in said conspiracy(ies) was not a judicial act and therefore judicial immunity has no place in this action. Neither of the defendants herein is protected from liability in this civil suit based upon any claim of immunity.

1 16.) Plaintiff alleges that the object of said conspiracy was to deceive Plaintiff into believing that the fraudulent
2 conviction to follow was arrived at fairly, and to intimidate Plaintiff from seeking review thereafter.

3 17.) Plaintiff brings this action against defendants in their individual capacities.

4 18.) The aforesaid conviction of Plaintiff was thereafter reversed on appeal and the case dismissed.

5 CAUSE OF ACTION

6 19.) Plaintiff incorporates by reference the allegations in paragraphs 1 through 18 above.

7 20.) Defendants are in violation of 42 U.S.C. section 1983, in that they conspired, under color of law, to
8 deprive Plaintiff of his right to due process in State court.

9 21.) Said defendants did in fact complete the acts necessary to accomplish the goal of said conspiracy,
10 resulting in substantial harm to Plaintiff.

11 REQUEST FOR RELIEF

12 Good cause having been shown, Plaintiff requests the following relief:

- 13 1. Nominal damages in the amount of \$1.00 (one dollar).
14 2. Actual damages in the amount of \$1,000.00 (one thousand dollars).
15 3. Exemplary damages in an amount equal to one year's 2007 gross salary from each of said defendants,
16 respectively, as minimal punishment and as a deterrent against future rights abuses.
17 4. Actual costs to Plaintiff in bringing this action.
18 5. Any other and further relief as the court might deem appropriate.

19
20 Dated: 2-7-08



Raymond Robinson, in pro per

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

147368 - BH

**February 07, 2008
15:34:26**

Civ Fil Non-Pris

USAO #: 08CV0244 CIVIL FILING

Judge.: THOMAS J WHELAN

Amount.: \$350.00 CC

Total-> \$350.00

FROM: ROBINSON V. RUBIN & CORNELL
CIVIL FILING
VISA AUTH# 333039

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Raymond Robinson

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
in propria persona

DEFENDANTS

David Rubin and Brian Cornell

County of Residence of First Listed Defendant San Diego

(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

BY:

DEPUTY

'08 CV 0244 W BLM

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | | |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983

Brief description of cause:

Conspired deprivation of right to due process in state criminal proceeding

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$ 200,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/8/08

SIGNATURE OF ATTORNEY OF RECORD

Ray Robinson

FOR OFFICE USE ONLY

RECEIPT #

147368

AMOUNT

\$350

APPLYING IFP

JUDGE

MAG. JUDGE